

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JONATHAN RODRIGUEZ-QUIJANO	:	CIVIL ACTION
	:	
v.	:	NO. 21-4804
	:	
GLENN D. WELSH, et al.	:	

ORDER

AND NOW, this 4th day of November 2021, upon considering Jonathan Rodriguez-Quijano's Motion for leave to proceed *in forma pauperis* (ECF Doc. No. 1), Prisoner Trust Fund Account Statement (ECF Doc. No. 2) and Complaint (ECF Doc. No. 3), consistent with our obligations under 28 U.S.C. § 1915(e)(2)(B)(ii) to screen a Complaint seeking to proceed without paying the filing fees, upon considering the *in forma pauperis* Motion and screening the incarcerated Plaintiff's pro se civil rights Complaint against nine public defenders who represented him in his state criminal proceedings, and for reasons in the accompanying memorandum, it is

ORDERED:

1. Mr. Rodriguez-Quijano's Motion for leave to proceed *in forma pauperis* (ECF Doc. No. 1) is **GRANTED**;

2. Jonathan Rodriguez-Quijano, #NS-8654, shall pay the full filing fee of \$350 in installments, under 28 U.S.C. § 1915(b), regardless of the outcome of this case. We direct the Superintendent of SCI-Houtzdale or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Rodriguez-Quijano's inmate account; or (b) the average monthly balance in his inmate account for the six-month period immediately preceding the filing of this case. The Superintendent or other appropriate official shall calculate, collect, and forward the initial payment assessed under this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. Rodriguez-

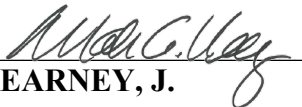
Quijano's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr. Rodriguez-Quijano's inmate account until the fees are paid. Each payment shall refer to the docket number for this case;

3. The Clerk of Court shall **SEND** a copy of this Order to the Superintendent of SCI-Houtzdale;

4. The Complaint (ECF Doc. No. 3) is **DEEMED** filed;

5. We **dismiss** the Complaint (ECF Doc. No. 3) with prejudice as there is no basis for Mr. Rodriguez-Quijano to amend his civil rights claims against the public defenders but nothing in this Order affects his rights to timely pursue claims against state actors or against his former counsel on other theories in a court of competent jurisdiction; and,

6. The Clerk of Court shall **close** this case.


KEARNEY, J.